

REMARKS

In the Office Action of December 26, 2007, the Examiner rejected pending Claims 1-26 as being anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103 in view of the Belyi (U.S. Patent Publ. No. 2005/0080717), the Brodie et al. reference (U.S. Patent No. 7,257,246), the Engel reference (U.S. Patent Publ. No. 2004/0138975), or some combination thereof. The Examiner also objected to the wording of Claim 12. By this paper, the Applicant has amended the pending claims of the application to correct the objection noted by the Examiner and further to highlight the subject matter that the Applicant believes is allowable over the art of record. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

After carefully reviewing Belyi, Engel and Brodie, the Applicant notes that none of these references, either by themselves or in combination, disclose the concept of assessing the reliability of positive pay information about a second-party check that is being presented for cashing and then determining a risk score associated with cashing the check based, at least in part, on the positive pay information and the assessed reliability of the positive pay information. As noted in the application as filed, the Applicant contemplates assigning a score indicative of the reliability of the positive pay information that can be taken into account when assessing the overall risk of accepting the check for cashing. (*See, e.g.*, Figure 4 and the discussion associated therewith). The Applicant contemplates that positive pay information may be more reliable in some circumstances or less reliable in other circumstances. By assessing the reliability of the positive pay information and then using the assessed reliability as part of the risk score assessment, a more accurate assessment of the risk of the transaction can be achieved. Indeed, the Applicant contemplates that in some circumstances relatively unreliable positive pay information may not necessarily result in the transaction being declined based upon the reliability of other factors that are considered in the risk assessment.

The Applicant submits that Belyi, Engel and Brodie do not disclose this combination and further do not disclose the concept of performing this type of an assessment on checks that are being presented for cashing in the manner claimed by the Applicant and as argued in the previous Response to Office Action. As a consequence, the Applicant believes that Claim 1 as amended is

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allowable over the art of record. The Applicant submits that independent Claims 8, 12, 13, 17, 19, 20, 23, and 26 define additional patentable subject matter and are further allowable due to reasons similar to the reasons given above. The Applicant further submits that the remaining claims define additional patentable subject matter and are further allowable due to their respective dependencies on Claims 1, 8, 12, 13, 17, 19, 20, 23 and 26.

The Applicant therefore believes that the above-captioned application is now allowable and respectfully requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of the application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the attorney of record.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Application No.	Filing Date	Attorney Docket No.	Title
10/731,401	12/09/2003	1DATA.098A	SYSTEMS AND METHODS FOR ASSESSING THE RISK OF A FINANCIAL TRANSACTION USING BIOMETRIC INFORMATION

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Application No.	Filing Date	Attorney Docket No.	Title
10/731,212	12/09/2003	1DATA.099A	SYSTEMS AND METHODS FOR ASSESSING THE RISK OF A FINANCIAL TRANSACTION USING GEOGRAPHIC-RELATED INFORMATION
10/731,540	12/09/2003	1DATA.101A	SYSTEMS AND METHODS FOR ASSESSING THE RISK OF A FINANCIAL TRANSACTION USING AUTHENTICATING MARKS
11/925,629	10/26/2007	1DATA.101C1	SYSTEMS AND METHODS FOR ASSESSING THE RISK OF A FINANCIAL TRANSACTION USING AUTHENTICATING MARKS
10/730,859	12/09/2003	1DATA.103A	SYSTEMS AND METHODS FOR IDENTIFYING PAYOR LOCATION BASED ON TRANSACTION DATA
10/731,294	12/09/2003	1DATA.104A	SYSTEMS AND METHODS FOR OBTAINING PAYOR INFORMATION AT A POINT OF SALE
10/731,519	12/09/2003	1DATA.105A	SYSTEMS AND METHODS FOR OBTAINING BIOMETRIC INFORMATION AT A POINT OF SALE
10/730,868	12/05/2003	1DATA.106A	SYSTEMS AND METHODS FOR OBTAINING AUTHENTICATION MARKS AT A POINT OF SALE

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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